DANIEL G. BOGDEN 1 United States Attorney 2 CRISTINA D. SILVA CRANE M. POMERANTZ 3 **Assistant United States Attorney** 333 Las Vegas Boulevard South, Suite 5000 Las Vegas, Nevada 89101 4 Phone: (702) 388-6336 5 Fax: (702) 388-5087 6 UNITED STATES DISTRICT COURT **DISTRICT OF NEVADA** 7 -000-8 9 UNITED STATES OF AMERICA, 2:13-mj-000776-VCF 10 Plaintiff, 11 **Stipulation to Continue Preliminary** VS. **Hearing** (Ninth Request) 12 ROBERT WOLFE, 13 Defendant. 14 15 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. 16 Bogden, United States Attorney, and Cristina D. Silva and Crane M. Pomerantz, Assistant United 17 States Attorneys, counsel for the United States of America, and Louis Schneider, Esq., counsel for 18 defendant Robert Wolfe, that the preliminary hearing date in the above-captioned matter, currently 19 scheduled for January 20, 2014, at 4:00 pm, be vacated and continued for thirty (30) days, to a 20 date and time to be set by this Honorable Court. 21 This stipulation is entered into for the following reasons: 22 1. The parties have met, and, on several occasions, conferred regarding this 23 case. The parties believe they have successfully negotiated this case. Defense counsel would like 24 time to complete his review of discovery and confer with his client to finalize a plea. By allowing 25 more time, the Defendant may enter a plea, which will alleviate the need for an indictment to be 26

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1	filed, or for the case	to proceed to trial.		
1	2.	The parties agree to the contin	uance.	
2	3.	The defendant is not incarcera	ted and does not object to the continuance.	
3	4.	Additionally, denial of this rec	quest for continuance could result in a	
4	miscarriage of justic	e.		
5	5.	The additional time requested	herein is not sought for purposes of delay, but	
6	to allow for the case	to allow for the case be resolved via a pre-indictment plea.		
7	6.	The additional time requested	by this stipulation, is allowed, with the	
8	defendant's consent under the Federal Rules of Procedure 5.1(d).			
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10	DAT	ED this 20 <sup>th</sup> day of January, 201:	5.	
11		, a s and a s and g,	Respectfully submitted,	
12			DANIEL G. BOGDEN United States Attorney	
13			Officed States Attorney	
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14 15	LOUIS SCHNEIDE Counsel for Defenda	R, ESQ.	CRANE M. POMERANTZ Assistant United States Attorney	
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15	LOUIS SCHNEIDE Counsel for Defenda	R, ESQ. ant -	CRANE M. POMERANTZ	
15 16	LOUIS SCHNEIDE Counsel for Defenda	R, ESQ.	CRANE M. POMERANTZ	
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15 16 17 18 19 20 21 22 23 24	LOUIS SCHNEIDE Counsel for Defenda	R, ESQ.	CRANE M. POMERANTZ	
15 16 17 18 19 20 21 22 23	LOUIS SCHNEIDE Counsel for Defenda	R, ESQ.	CRANE M. POMERANTZ	

2 3 4 5 6 UNITED STATES DISTRICT COURT DISTRICT OF NEVADA 7 -000-8 9 UNITED STATES OF AMERICA, 2:13-mj-00776-VCF 10 Plaintiff, 11 FINDINGS OF FACT AND ORDER VS. 12 ROBERT WOLFE, 13 Defendant. 14 15 FINDINGS OF FACT 16 Based on the pending Stipulation of counsel, and good cause appearing therefore, 17 the Court finds that: 18 1. The parties have met, and, on several occasions, conferred regarding this 19 case. The parties believe they have successfully negotiated this case. Defense counsel would like 20 time to complete his review of discovery and confer with his client. By allowing more time, the 21 Defendant may enter a plea, which will alleviate the need for an indictment to be filed, or for the 22 case to proceed to trial. 23 2. The parties agree to the continuance. 24 3. The defendant is not incarcerated and does not object to the continuance. 25 Additionally, denial of this request for continuance could result in a 4. 26

miscarriage of justice.

- 5. The additional time requested herein is not sought for purposes of delay, but to allow for the case be resolved via a pre-indictment plea.
- 6. The additional time requested by this stipulation, is allowed, with the defendant's consent under the Federal Rules of Procedure 5.1(d).
- 7. This is the <u>ninth</u> request for a continuance of the preliminary hearing. For all of the above-stated reasons, the ends of justice would best be served by a continuance of the preliminary hearing date.

## **CONCLUSIONS OF LAW**

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for the preliminary hearing, and possibly resolve the case prior to the preliminary hearing or an indictment, taking into account the exercise of due diligence.

The continuance sought herein is allowed, with the defendant's consent, pursuant to Federal Rules of Procedure 5.1(d).

**ORDER** IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for January, 2014, at the hour of 4:00 pm, be vacated and continued to February 20, 2015 at the hour of 4:00 pm in courtroom 3D. DATED 20th day of January, 2015. THE HONORABLE CAM FERENBACH UNITED STATES MAGISTRATE JUDGE